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REMARKS

Claims 1 and 11 are amended and claims 17 and 18 are added by this amendment. Upon entry of the amendment, claims 1-18 will be pending.

Rejection of Claims Under 35 U.S.C. § 102

Claim 1

Claim 1, as amended, is directed to a vented sleeping bag comprising:

- a) an elongate shell defining an inner volume sized and shaped to receive a user therein, the elongate shell having a head end, a foot end, left and right sides extending longitudinally of the shell, an overlying portion adapted to overlie said user and an underlying portion adapted to underlie said user;
- b) a fastener selectively joining the overlying and underlying portions such that the overlying and underlying portions can be partially separated to allow entry into and exit out of the inner volume of the shell by the user;
- c) at least one vent in said overlying portion of the shell located adjacent the foot end of the shell between the left and right sides of the shell; and
- d) a closure selectively movable between a closed position for closing said at least one vent and an open position for creating a vent opening for ventilating the inner volume of the shell.

Claim 1 stands rejected as anticipated by U.S. Pat. No. 5,881,405 (Garrigues). Applicants submit amended claim 1 as

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patentable over Garrigues and the other art of the record in that none of the references show or suggest a vented sleeping bag having at least one vent in the overlying portion of the shell located adjacent the foot end of the shell between the left and right sides of the shell.

Garrigues discloses, as shown in Fig. 1, a bivouac sack (10) having a top (14), a bottom (12) and an end piece (16). The end piece (16) has a generally semi-circular shaped opening (40) for venting and extracting internal moisture (see Figs 3 and 4). The opening (40) is covered by a mesh screen (42) and positioned on the end piece (16), which clearly does not overlie a user (see Figs. 3, 4, 7B). The opening (40), along with a vent duct (30) and a latitudinal opening (20) in the head end (18), is used to circulate air throughout the sleeping bag. Cl. 5, lines 7-30. The opening (40) is closed using hook and loop fasteners (46, 48) secured to a foot vent cover (44).

Garrigues does not show or suggest a vent on the overlying portion of the shell adjacent the foot end of the shell. The top of Garrigues' sack, which overlies the user, is free of vent openings in the foot end. Thus, Garrigues fails to show a vented sleeping bag having at least one vent in the overlying portion of the shell located adjacent the foot end of the shell, as required by amended claim 1. Because Garrigues does not show or suggest all elements of amended claim 1, the claim is patentable over Garrigues.

Claim 1 stands further rejected as anticipated by U.S. Pat. No. 2,234,546 (Basch). Applicants submit amended claim 1 as patentable over Basch in that Basch fails to show or suggest a

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vented sleeping bag having a fastener selectively joining the overlying and underlying portions and a closure selectively movable between a closed position for closing said at least one vent.

As shown in Fig. 1, Basch discloses a coverall garment (1) for babies having a body portion (13), a hood (5), sleeves (2), and a bottom (3). The body portion (13) has a longitudinally extending slide fastener (4) that can be moved between a closed position, and an open position for allowing access to the interior of the skirt portion (15), e.g., for changing the baby's diaper, placing a baby within the garment (1), or removing the baby from the garment. As illustrated in Fig. 6, the slide fastener (4) can be mounted such that the slide closes the slide fastener by moving it from a location near the neck (7) of the garment (1) towards the bottom (3) of the garment so that access to the skirt portion (15) can be made in order to change the baby's diaper without having to open the upper portion of the garment.

Claim 1 now recites that the sleeping bag further comprises a fastener selectively joining the overlying and underlying portions such that the overlying and underlying portions can be partially separated to allow entry into and exit out of the inner volume of the shell by the user. Basch's coverall garment (1) does not have both a fastener and a closure as required by amended claim 1. Instead, Basch discloses only one fastener (4) for selectively allowing access to the interior space of the garment. Thus, Basch fails to disclose both a fastener and a closure, as recited in amended claim 1. Basch also fails to disclose the coverall garment (1) having at least one vent, as

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also recited in claim 1. For these reasons, amended claim 1 is patentable over Basch.

Claims 2-10 and 18 depend directly or indirectly from amended claim 1 and are submitted to be patentable over the references of record for the same reasons as amended claim 1.

Claim 11

Amended claim 11 is directed to a vented sleeping bag comprising:

a) an elongate shell defining a inner volume sized and shaped to receive a user therein, the elongate shell having a head end, a foot end, left and right sides extending longitudinally of the shell, an overlying portion adapted to overlie said user, and an underlying portion adapted to underlie said user;

b) a fastener selectively joining the overlying and underlying portions such that the overlying and underlying portions can be partially separated to allow entry into and exit out of the inner volume of the shell by the user;

c) at least one longitudinal vent in said overlying portion of the shell located between the left and right sides of the shell and extending longitudinally of the shell; and

d) a closure selectively movable between a closed position for closing said at least one longitudinal vent and an open position for creating a vent opening for ventilating the inner volume of the shell.

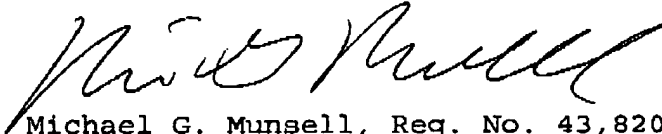
To the extent claim 11 includes the same recitations as claim 1, it is patentable for the same reasons. Claims 12-17 depending from claim 11 are also believed to be patentable.

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CONCLUSION

In view of the foregoing, allowance of the application is respectfully requested. The undersigned requests a telephone call from the Examiner if this would expedite allowance of the application.

Respectfully submitted,



Michael G. Munsell, Reg. No. 43,820
SENNIGER, POWERS, LEAVITT & ROEDEL
One Metropolitan Square, 16th Floor
St. Louis, Missouri 63102
(314) 231-5400

MGM/PEB/bcw

Via Facsimile 703-872-9306